United Nations S/2005/99

Security Council

Distr.: General
18 February 2005

Original: English

Progress report of the Secretary-General on the United Nations Mission of Support in East Timor

(for the period from 10 November 2004 to 16 February 2005)

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1573 (2004) of 16 November 2004, in which the Council decided to extend the mandate of the United Nations Mission of Support in East Timor (UNMISET) for a final period of six months until 20 May 2005. In paragraph 7 of that resolution, the Council requested to be kept closely and regularly informed of developments and of the implementation of the resolution. In paragraph 3, the Council requested UNMISET to focus increasingly on implementing its exit strategy, particularly with a view to ensuring increasing involvement and ownership of the Timorese in the three programme areas of the Mission. In addition, in paragraph 5, the Council urged United Nations development and humanitarian agencies and multilateral financial institutions to start immediate planning for a smooth transition from a peacekeeping operation to a sustainable development assistance framework. The present report reviews the activities of UNMISET since my report of 9 November 2004 (S/2004/888) and the steps being taken to achieve a smooth transition. It also presents my recommendations for continued international assistance to Timor-Leste beyond 20 May 2005, in order to safeguard the considerable investment made by the international community so far.

II. Recent political developments in Timor-Leste

2. During the reporting period, the overall situation in Timor-Leste remained calm and stable despite the reported incursion of an armed ex-militia group in January and clashes between the military and police. Local elections, the first ever conducted by Timorese national authorities, were successfully held in the districts of Bobonaro and Oecussi in two phases, on 18 and 22 December 2004 respectively. Voter turnout was very high, exceeding 90 per cent in some areas; and people voted in an orderly manner, in an atmosphere free of intimidation or interference, in which the secrecy of the ballot was maintained. However, the Technical Secretariat for Electoral Administration encountered numerous logistical difficulties, including many errors contained in the voter roll in the first phase of the elections, which prevented some voters from casting their ballots. The Court of Appeal has yet to

05-23859 (E) 220205

announce the official results, but an analysis of preliminary results shows that, while only the ruling Fretilin party registered in time to field candidates, the elections turned out to be based on local issues and personalities rather than political party affiliation. In a welcome initiative to promote women's participation in political life at the local level, the electoral law provided for a minimum of three women to be elected to each village council. Owing to logistical and financial constraints, the Government is holding village elections in a phased manner: three further districts will go to the polls in March, to be followed by elections in the eight remaining districts between April and June, according to a schedule to be decided by the National Electoral Commission.

3. The National Parliament continued to strengthen the country's legal framework through adoption of key legislation, including the law on the Council of State which was promulgated on 3 February 2005. In addition, the National Parliament is considering a number of important pieces of legislation relating to state-building, such as the draft laws on the Superior Council for Defense and Security, and draft statutes of the Public Prosecutor. Once adopted, these laws would further enhance the political and legal system of the country. In considering the draft law on freedom of assembly and demonstration, the Parliament exhibited responsiveness to public demand when it modified the draft to allow for demonstrations beyond 100 metres of governmental and other key public buildings, rather than the more restrictive 500 metres originally proposed by the Council of Ministers.

4. The Government also continued to make efforts to meet its human rights treaty reporting obligations. A common core document covering overlapping areas in all human rights treaties and a questionnaire based on the core document have been introduced to focal points engaged in gathering data for the preparation of the reports. However, no progress has been made in the selection of the Provedor for Human Rights and Justice. The delay is a cause for concern, especially in the light of the recent increase in reported cases of abuse of police power, including assaults and threats, which are not being adequately addressed by internal disciplinary processes and are rarely taken up by the Public Prosecutor for institution of criminal proceedings. The tendency to use police powers in dealing with political opposition is also a cause for concern.

5. Occasional problems continue to arise between the Timorese armed forces and the national police despite efforts to improve the relationship between the two entities, including attempts to shed light on the Los Palos incident of January 2004, in which members of the armed forces were involved in a confrontation with the national police and civilians. On 16 December 2004, a group of 20 armed soldiers attacked a police station in Dili, injuring two officers and causing damage to the premises. This incident highlights the need to effectively address the strained relationship between the two security forces, including through a clear definition of their respective roles and disciplinary action against those responsible for the latest incident.

6. Reported sightings of alleged ex-militia groups, especially in border areas, have recurred in recent weeks. In an operation to verify one such report from the local community in Cailaco, Bobonaro district, on 18 January, the national police encountered six armed men. Following an exchange of gunfire, one member of the group was arrested. On 20 January, the Prime Minister, Mari Alkatiri, publicly

stated that it should not be assumed that the ex-militia infiltrators were acting at the behest of the Indonesian army. Nevertheless, the Tactical Coordination Line remains porous, and disputes between opposing villages, illegal trading, smuggling, illegal border crossings and minor criminal activities continue to occur.

7. Relations between Timor-Leste and Indonesia continued to improve and frequent high-level meetings were held during the reporting period. At their meeting in Bali on 13 December 2004, the President of Timor-Leste, Xanana Gusmão, and Prime Minister Alkatiri agreed with the President of Indonesia, Susilo Bambang Yudhoyono, that a Truth and Friendship Commission would be formed to deal with human rights abuses perpetrated in 1999 and other bilateral issues. During his visit to Jakarta from 27 to 29 January 2005, President Gusmão continued to discuss with President Yudhoyono the Truth and Friendship Commission, whose terms of reference were subsequently reviewed at a meeting between the Minister for Foreign Affairs of Timor-Leste, José Ramos-Horta, and his Indonesian counterpart, Hassan Wirajuda, held from 7 to 9 February. At a meeting late in December 2004 with Ministers Ramos-Horta and Wirajuda, I stressed that the issue of serious crimes committed in 1999 was a concern not only for the two countries, but also for the wider international community. I also recalled that the Security Council, in its resolution 1573 (2004), had reaffirmed the need to fight against impunity, and had taken note of my intention to continue to explore possible ways to address this issue with a view to making proposals as appropriate.

8. In this connection, I have decided to establish a commission of experts, and the Security Council has duly taken note of that. Its task would be to conduct a thorough assessment of the progress made in the processes involving the Ad Hoc Human Rights Tribunal in Jakarta, on the one hand, and the Serious Crimes Unit and the Special Panels for serious crimes in Dili, on the other, and to make appropriate recommendations to me. The commission of experts will also be requested to consider ways in which its analysis could be of assistance to the Truth and Friendship Commission.

9. Following the Indian Ocean tsunami on 26 December 2004, the Government and people of Timor-Leste showed strong solidarity with the affected countries, particularly Indonesia. The Government contributed $50,000 to the relief efforts through the Office for the Coordination of Humanitarian Affairs. In addition, President Gusmão launched the "Operation Solidarity" fund to collect donations from individual citizens across Timor-Leste to assist the victims in the worst-hit Indonesian province, Aceh.

10. Despite the improved relations between the two countries, no further progress was made on the delineation of the land border between Indonesia and Timor-Leste. The Indonesia-Timor-Leste Technical Subcommittee on Border Demarcation and Regulation met in Bali on 22 and 23 December 2004 to discuss follow-up actions required by the agreement on additional segments of the border, which the Committee had reached at its previous meeting in October 2004, thereby bringing to over 95 per cent the length of the border agreed upon. Meanwhile, Indonesia requested that plans for further joint surveys of the border be postponed from early January, as previously planned, to early March, owing to the new Government's decision to review expenditures. The Timorese side, for its part, has asked for a further delay until June. Therefore, it is unlikely that a final agreement can be concluded by the end of the UNMISET mandate.

III. Contribution of the United Nations

A. Role of the Mission

11. Since my last report (S/2004/888), the eight transition working groups, which were constituted by my Special Representative in August 2004 to assess progress made in institutional capacity-building, identify Timor-Leste's remaining assistance requirements and propose how best to meet them, have completed their work. In line with the request of the Security Council, in resolution 1573 (2004), for greater Timorese involvement and ownership of the three programme areas of the Mission's mandate and at the request of UNMISET, the President, the Prime Minister and several Government ministers participated in and in some cases chaired various meetings of the working groups, which brought together representatives of the Government, UNMISET, United Nations agencies and Bretton Woods institutions, non-governmental organizations and other bilateral and multilateral partners. While the findings and conclusions of the working groups do not necessarily represent a consensus of all participants, they reflect an objective assessment of the key concerns remaining in the areas covered by the UNMISET mandate, namely the development of a professional police service, the deficiencies of the Timorese security sector and the overall capacity development of State and Government institutions, including the development of a functioning justice sector. Also addressed were the continuing requirements for enhancing transparency and accountability, the future of the serious crimes process and the need to support marginalized groups.

12. The transition working group on professional development of the national police also stressed the need for continued international assistance to build an independent, professional and competent police force, pointing, in particular, to the continued human rights abuses perpetrated by Timorese law-enforcement agents as well as the inadequate skills of the police force in various areas, especially the Border Patrol Unit. The transition working group on the roles and relationships of national security agencies noted that United Nations assistance would be required beyond May 2005 in order to develop a national security framework in which the respective roles of the armed forces and the national police are clearly defined.

13. The transition working groups on institutional capacity-building of State administration and institution-building of the justice sector reviewed the need for the 58 "most critical" adviser positions, currently funded by UNMISET, beyond May 2005. The findings of the groups indicate that while local capacity has been built and institutional self-sufficiency greatly enhanced, there is still in some cases, especially in the legal and justice sectors, significant reliance on the international advisers to perform both line functions and to supervise the work of Timorese counterparts. In this connection, the retention of the 15 "most critical" adviser posts in the justice sector was considered vital to the continued functioning of the courts beyond May 2005, given the acute shortage of qualified national judges and the related need for Timorese judicial personnel to complete the two-and-a-half-year training programme.

14. The findings and conclusions of the transition working groups clearly show that, notwithstanding the extraordinary achievements made by Timor-Leste, the assistance of the international community continues to be required in many vital

areas to enable the country to build upon the foundations that have already been laid and to reach the critical threshold of self-sufficiency.

15. Meanwhile, as part of its exit strategy, UNMISET has started a new weekly radio programme, broadcast on the national radio in the local language, which has significantly contributed to raising the local population's awareness of the current activities and exit strategy of UNMISET, as well as the plans and efforts by UNMISET to gradually transfer ownership of the process to the Timorese.

Programme I
Support for the public administration and justice system of Timor-Leste and for justice in the area of serious crimes

1. Support to the public administration and justice system

16. UNMISET civilian advisers continued to focus on the transfer of skills and knowledge to their Timorese counterparts with a view to strengthening the capacity of Timorese State institutions. Progress has been achieved in a number of areas, as shown by the preliminary results of a survey on future advisory support requirements by Timor-Leste institutions conducted in December 2004 and January 2005, as well as a recent assessment of progress in capacity development conducted by the mission's Civilian Support Group. With only the support of UNMISET civilian advisers, for example, Timorese officials have been able to develop a range of sector investment programmes which set out development objectives, policies and programmes for 17 key sectors, as well as related expenditure priorities for the period from June 2005 to August 2007.

17. Encouraging progress has also been made in the finance sector. The essential functions of the Banking and Payments Authority have been taken over by Timorese staff. In the case of the Treasury, the capacity of national staff to perform certain key routine tasks such as the closing of monthly and quarterly accounts, payroll operations and budget execution activities and to use computer software has been consolidated. It is expected that a national counterpart will be appointed shortly to the post of Director of the Treasury, currently filled by an UNMISET adviser. However, the assistance of the advisers continues to be essential for the performance of more complex operations such as the coordination of multiple activities, verification through various checks and balances of Treasury activities, oversight of the production of annual accounts and reports, and coordination with donors on transactions.

18. The justice sector remains particularly weak. The UNMISET civilian advisers have continued to perform line functions as judges, public defenders, prosecutors and court administrators at both the Court of Appeal and district courts. Although the provision of international judges has partially reduced the backlog of pending cases in the district courts, the operation of these district courts remains sporadic and uneven. Only the district court in Dili operates on a full-time basis. Access to justice including access to legal services and advice remains weak.

19. Meanwhile the Timorese will continue to rely heavily on international support. Regrettably, on 20 January 2005 it was announced that all national judges had failed the written evaluation test and would thus not be eligible for conversion of their appointments from probationary to career judges. Although 5 of the 22 judges were

authorized by the Superior Council of the Judiciary to continue exercising their functions to allow the serious crimes and National Electoral Commission processes to be completed, the majority of national judges will have to cease the exercise of their judiciary functions, which will result in complete reliance on international judges for both criminal and civil cases. However, in a separate examination, 20 of these judges did succeed in the preliminary phase of the training programme and will continue with advanced training. By 2007, this post-graduate training programme is expected to produce a cadre of qualified national professionals who will be able to take over more of the functions currently carried out by the international advisers. The development of a trained cadre of Timorese court officials and maintenance of judicial services delivery has proved to be a long-term endeavour that will require continued international support.

20. At the same time, UNMISET legal advisers working in various State institutions continued to assist in the drafting and review laws, as well as the provision of legal advice. Timorese reliance on their assistance to draft key legislation and ensure the harmonization of draft laws with existing legislation remains significant. In addition, the shortage of legally trained Timorese counterparts has seriously constrained the extent to which UNMISET civilian advisers have been able to transfer specialist skills and knowledge.

21. On the basis of its own assessment of the requirements, the Government has requested continued international assistance to the public administration and justice sectors beyond 20 May 2005, including the retention of all 58 "most critical" adviser posts currently provided by UNMISET. An assessment conducted by UNMISET indicates that 45 such posts require international assistance beyond 20 May 2005, to ensure the continued functioning of State institutions, including those in the justice, legal and finance sectors.

22. As part of the UNMISET exit strategy, the Civilian Support Group is working more closely with the Government's Capacity Development Coordination Unit, which is responsible for coordinating and monitoring all capacity-building activities in Timor-Leste. Some components, such as the monitoring and evaluation functions, will be transferred to the Unit. This will help the Civilian Support Group in training national staff in the Unit to take over its work.

23. UNMISET has also been working closely with United Nations agencies and other bilateral and multilateral development partners to identify "responsible hands" to take over the 58 UNMISET civilian adviser positions after 20 May 2005. While some partners have expressed interest in funding some of the positions, no firm commitment has been received so far. UNMISET has made special efforts to obtain the support of the United Nations Development Programme (UNDP), which is currently managing an assistance programme that includes 118 "critical" adviser posts. However, funding remains a cause of concern.

2. Support for justice in the area of serious crimes

24. Since my last report, the Serious Crimes Unit has made significant progress towards achieving justice for crimes committed in 1999. The Unit filed an additional 13 indictments involving 42 accused persons, including the suspected murderers of two local United Nations staff members on the day of the popular consultation. The new indictments concentrated on the organizers of the violence and the most egregious direct perpetrators of murders. As directed by the Security

Council in paragraph 8 of its resolution 1543 (2004), the Serious Crimes Unit ended all investigations on 30 November 2004. Prosecutors analysed the results of these investigations and the Unit filed its last indictment on 17 December 2004.

25. In order to accommodate Timorese judges undergoing mandatory training, the Special Panels for serious crimes began operating two panels in split sessions and expanded the hours for hearing cases. In addition, for the first time, a third panel was formed and began conducting trials simultaneously in a second courtroom to further expedite the completion of trials by 20 May 2005 as directed by the Security Council in resolution 1543 (2004). The additional court time has allowed the Special Panels to complete six trials involving 19 defendants over the last three months. To date, the trials of 77 defendants have been completed; 74 of them were convicted of at least one charge and three acquitted of all charges. At present, the trials of eight cases involving 11 defendants are ongoing or pending. At the current rate, it is expected that all trials will be completed by 20 May 2005.

26. In addition, during the reporting period, the Special Panels issued 49 arrest warrants and denied three warrant requests. With a total of 211 arrest warrants having been issued to date, 39 warrant requests remain pending before the Special Panels. The prosecution is preparing additional warrant requests against 13 individuals who have been indicted recently and who are believed to be currently residing outside Timor-Leste. It is anticipated that all warrant requests will be ruled upon before 20 May 2005.

27. Meanwhile, five serious crimes cases were heard by the Court of Appeal. One acquittal was overturned, resulting in the conviction of one defendant of crimes against humanity, while the other four cases were dismissed. At present, at least five serious crimes cases remain pending before the Court of Appeal and it is expected that additional appeals will be filed by 20 May 2005.

28. All identified human remains in the possession of the Serious Crimes Unit have been returned to the respective families. The Unit is coordinating with Government and religious authorities to arrange for the respectful burial of 33 sets of unidentified human remains that are still in its possession.

29. The Serious Crimes Unit, the Defence Lawyers Unit and the Special Panels are preparing the handover of necessary materials to the relevant Timorese authorities. This process is particularly challenging for the prosecution, which has several hundred thousands of pages of investigative material in addition to thousands of pages of court documents. In this connection, the Unit is creating a searchable database, preparing handover notes on cases and identifying the most critical documents for translation, as requested by the Timorese authorities.

30. Increasing national ownership of the process is important; 304 indicted persons remain outside Timor-Leste, and it is likely that some of them will return in the coming years. At present, the Timorese justice system does not have the capacity to handle cases in which indicted persons were arrested by the authorities upon returning to the country. While the Government is still developing future plans for the serious crimes process, UNMISET has taken preliminary measures to assist it in addressing the issues. These include suggestions for legislative amendments, including changes to the current judicial composition of the Special Panels, so that the Timorese judges can hear the cases with little or no international participation.

In addition, the Serious Crimes Unit provides training to 21 national police officers and 12 national lawyers and technical staff.

31. As noted in my previous reports, the serious crimes process may not be able to fully respond to the desire for justice of those affected by the violence of 1999 within the limited time and resources that remain available. It is likely that a significant number of cases will not have been investigated or prosecuted by 20 May 2005. The indictments filed by the Serious Crimes Unit cover 572 of the estimated 1,400 murders committed in 1999. A number of cases, which have been referred to the Serious Crimes Unit by the Commission for Reception, Truth and Reconciliation, involve serious crimes and are thus deemed unsuitable for reconciliation processes. These cases have not yet been investigated. Formal legal processes are a crucial aspect of efforts to move beyond the violence that occurred in 1999. It is thus essential that all those responsible for the serious crimes committed in 1999 be held accountable, and that justice be done in the appropriate manner. As already noted in paragraph 8 above, I have therefore decided to establish a commission of experts to assess the outcome of the two judicial processes in Jakarta and Dili and to make appropriate recommendations to me.

32. The Commission for Reception, Truth and Reconciliation finished its research work and focused on the preparation of its final report, which is due to be completed before the end of the Commission's mandate on 7 July 2005 and subsequently submitted to the President, the Prime Minister and the National Parliament. The report will provide the first independently researched account of human rights violations committed in Timor-Leste from 1974 until 1999, as well as make recommendations for necessary action. It is expected to contribute to reconciliation and help foster a culture of human rights and accountability in Timor-Leste, as well as providing lessons learned for other post-conflict situations.

Programme II
Support to the development of law enforcement in Timor-Leste

33. UNMISET civilian police advisers continued to play a key role in providing training to the national police through implementation of the skills development plan. Of the approximately 1,700 police officers who completed the first phase of the plan in December, only half were able to achieve the desired level of competence. The second phase of the plan commenced shortly afterwards, focusing essentially on investigation skills and forensic science. Around 300 police investigators completed the training at the end of January 2005. Further training is being planned to consolidate the skills already acquired by police officers and to allow them to reach the intermediate level by May 2005. A series of training workshops for senior managers will also be held before May.

34. As previously reported, the Police Reserve Unit received closely supervised in-service training until its first operational deployment on 29 November 2004. The Unit is currently deployed at five different locations in the districts of Liquica, Maliana and Ermera, where it is conducting community policing and specialized patrols under the close supervision and monitoring of the UNMISET technical advisers. Nevertheless, additional training is required before the Unit can reach the standards of a special unit; this training will commence shortly after the completion of the field exercise in February 2005. The Rapid Intervention Unit completed its

basic training at the end of January and is now undergoing in-service training aimed at acquiring additional skills in the areas of leadership, command and control and the handling of riots.

35. The Border Police Unit, which has reached its full strength of 300, is now responsible for all junction points in the three border districts. The UNMISET technical advisers have delivered a comprehensive "training-of-trainers" course, based on the 17 specialized modules developed by the UNMISET police component. In January, they then began to assist the trainers in the training of all border patrol officers in their respective border district areas. Additional training on another six specialized subjects will be provided by the UNMISET military liaison officers, to further enhance the skills of the border patrol officers. It is expected that by the end of May 2005, all special units will have self-sustainable trainers with specialized knowledge in their respective areas. However, the border patrol officers do not yet have the capacity to perform professional tasks at the desired level of proficiency and competence.

36. UNMISET and the national police have also undertaken joint efforts to address gender-based violence. The establishment of a Vulnerable Persons Unit within the police force is noteworthy in this regard, although institutional capacities to implement gender-responsive measures remain underdeveloped given the high number of reported incidents of gender-based violence and sexual abuse in all districts.

37. In order to address the logistics and infrastructure requirements of the national police, the UNMISET police component is conducting a needs inventory with a view at filling any major gaps that remain at the end of the Mission's mandate through donations. The Border Police Unit, in particular, has been severely hampered in the conduct of its operations by a shortage of communication and transportation equipment. Support has also been provided to the police administration through the development of a new personnel database project, including the training of human resources to maintain the system. Moreover, UNMISET civilian police advisers have provided close mentoring to the Capacity-Building Unit, which has been drafting and reviewing the standard operating procedures of the national police.

38. Nonetheless, a number of major problems remain, which can only be addressed through continued international support to Timorese law-enforcement agencies beyond May 2005. First, the professionalism of the national police remains a cause of serious concern. Reports of police misconduct, including excessive use of force, assaults, negligent use of firearms and various human rights abuses, have increased since May 2004, although the increase is partly a result of better reporting of incidents. Second, lack of transparency and a slow-paced investigation mechanism have contributed to a poor level of police accountability. For example, the report of the special investigation into the incident of 20 July 2004, in which the police used excessive force to disperse a largely peaceful demonstration, has not yet been completed. These delays are perceived by the community as voluntary inaction and hence undermine the general trust in the professionalism of the police.

39. In the following months, UNMISET civilian police advisers will continue to work closely with their counterparts in an effort to reduce incidents of misconduct and human rights abuses and eventually transform the national police into an impartial and professional police service. A step towards increasing the

accountability and professionalism of the police is the initiative to introduce UNMISET-trained professional ethics officers in four districts to assist in the investigation of professional ethics complaints. In addition, the UNMISET Human Rights Unit has been providing human rights training to regular and specialized police units, as well as to civil society groups, so as to ensure an adequate level of human rights awareness within the community and to monitor abuses committed by the police.

40. The UNMISET police component has been implementing its exit strategy through training and transfer of knowledge since May 2004, when the executive power for law enforcement in Timor-Leste was handed over to the national police. To this end, the police component has increased its cooperation and coordination not only with the national police, but also with advisers of the Timor-Leste Police Development Programme, a project jointly funded by Australia and the United Kingdom of Great Britain and Northern Ireland. Some of the advisers will continue to assist the national police beyond May 2005. Nevertheless, the development of a professional police service requires considerable time and it is becoming increasingly clear that support to this endeavour will continue to be essential after the Mission's current mandate expires. In particular, assistance will be required for the training of the special units, especially the Border Police Unit, as shown by a recent internal assessment. Continued United Nations support will also be required in the area of human rights training and monitoring, as indicated by an internal assessment of professional ethics status within the national police.

41. In this regard, the Government of Timor-Leste has indicated that it would continue to require the presence of 62 international civilian police advisers beyond 20 May 2005 to supplement the assistance provided by bilateral partners. However, an assessment by UNMISET indicates that 40 civilian police advisers might be sufficient.

Programme III
Support for the security and stability of Timor-Leste

42. Although the capacity of the Timorese defence force continued to grow, it remains hampered by a lack of experienced personnel, coordinated training and equipment, and by limited logistic capacity. Following the recent recruitment drive, 258 new personnel are currently undergoing training, which is expected to end on 21 March 2005. The defence force plans to recruit and train 70 additional soldiers in the coming six months. Work on the defence plan known as "Defence 2020" has progressed: a series of workshops was held in December 2004. Although further progress is expected at the end of the workshops in May 2005, the project will still be a long way from completion.

43. The UNMISET military component continued to assist the development of the Timorese defence force through its skills and knowledge transfer programme. The programme, which was designed to complement various bilateral efforts, is scheduled to continue until the end of the Mission's mandate in May 2005.

44. The military component also continued to support the efforts of the Timorese security agencies to maintain security and stability, while maintaining situation awareness and providing a calming presence through frequent patrols in the border areas. In order to increase the responsibility of the Timorese security agencies and

reduce the visible presence of the UNMISET security forces, the UNMISET military component has begun to operate at a five-kilometre distance from the Tactical Coordination Line. It will maintain this practice until the end of the Mission's mandate. Patrolling within the five-kilometre zone has been limited to members of the military liaison group, who operate side by side with the Timorese Border Patrol Unit.

45. The military liaison group has continued to foster close collaboration between the Timorese and Indonesian border security agencies, at both the strategic and operational levels. As a result of the group's efforts, weekly meetings are held at various border junction points, where members of border security agencies of the two countries discuss and resolve border issues and disputes. Nevertheless, working relations between Timor-Leste and Indonesian border security agencies remain at the developing stage, and the Timorese border security agencies have not yet reached the point where they can interact with their Indonesian counterparts on their own, nor have they gained sufficient capacity to manage the border affairs alone.

46. Although the UNMISET military component, in cooperation with UNMISET civilian police advisers, will continue to provide training to the Border Patrol Unit in the coming months, additional training will likely be required beyond May 2005 to enable the Border Patrol Unit to overcome its lack of experience, confidence and capacity to manage border affairs, relative to its Indonesian military counterparts.

47. Many of the factors that warrant the presence of military liaison officers have thus not changed. Additional training by the military liaison group, in cooperation with UNMISET civilian police advisers, will be needed to bring the Timorese border security agencies to the required level of self-sufficiency. Moreover, the presence of military liaison officers will continue to be necessary, to facilitate necessary communication between the two parties, especially so long as a formal agreement on the border is not reached. In this context, it should be noted that the military liaison arrangement that is currently in effect between the Indonesian army and the UNMISET military component will end on 20 May 2005. A successor arrangement between Indonesia and Timor-Leste, under which the Tactical Coordination Line would remain in place but the Border Patrol Unit would replace the UNMISET military component, was presented to both sides in November 2004, but has not yet been endorsed by either Government. Should neither a final agreement on the demarcation of the land border, nor a border management agreement like the military liaison arrangement, be reached by 20 May 2005, there will be no legal framework to guide border normalization issues. UNMISET will continue to present the draft military liaison arrangement for consideration by the two Governments and I would urge them both to give it adequate consideration with a view to expeditiously resolving this issue.

48. In view of the above, the Government of Timor-Leste feels a compelling need to retain military liaison officers at the border and has requested that a 41-person military liaison component continue to be deployed beyond 20 May 2005. In accordance with the advice provided by UNMISET, I recommend retaining 35 military liaison officers, whose primary task would be to continue facilitating contacts between the Timorese and Indonesian border security agencies, as well as providing additional training to the Timorese border security agencies and, to a lesser extent, monitoring security-related developments along the border.

49. In addition, the continued deployment of a small international security force will be required, to provide protection to the military liaison officers and other United Nations personnel and contribute to maintaining a reassuring presence. Although the Timorese security forces have gained additional skills and experience, they have not yet reached the level where they can provide adequate protection and evacuation support to the military liaison officers and other United Nations personnel. Nor is there a suitable regional organization that could fill the gap and provide the necessary security guarantee for the military liaison officers and United Nations personnel. While further planning in this regard is required, a preliminary assessment indicated that a small security force of 144 troops, including logistic support and air mobility, would be required to provide the necessary protection. The 125-person International Response Unit, which is no longer required now that the Timorese Police Reserve Unit has become operational, will be withdrawn. This would result in a significant reduction of the military component, from the current 477 (including military liaison officers) to approximately 179, as well as in considerable savings.

B. Role of the United Nations system

50. Despite progress towards physical reconstruction and social development since Timor-Leste attained independence in May 2002, significant challenges remain. The country still has the lowest levels of human development in Asia, and continued efforts will be needed in the areas of health and education, as well as other aspects of human development. In addition, the Government will need to increase efforts to develop a dynamic private sector — including by the adoption of legislation to regulate foreign investment and the use of natural resources — in order to improve growth prospects and reduce widespread poverty and unemployment. Continued international assistance will be essential to support the Government's efforts towards these objectives.

51. The World Bank has continued to coordinate the transition support programme, a budget support programme which contributes about $35 million per year to the Timorese budget, while monitoring progress in the areas of governance, delivery of basic services and job creation. A mission to assess progress in the transition support programme in November 2004 noted particularly strong progress in the areas of health, public sector and public finance management, savings policy and establishment of a petroleum fund. Since November 2004, the Trust Fund for East Timor administered by the World Bank has assisted, inter alia, the establishment of eight community health centres, the construction of 10 primary schools and the opening of a fifth regional business training centre to train local entrepreneurs.

52. The International Monetary Fund continued to assist the Government, through a close policy dialogue, in maintaining macroeconomic stability, especially in the area of fiscal policy. The Fund also helped to strengthen Timor-Leste's economic institutions and capacity, including through technical assistance to establish a petroleum fund and further develop the Banking Payment Authority. The Asian Development Bank is in the process of completing the final infrastructure rehabilitation project for roads and bridges, funded by the Trust Fund for East Timor, and the micro-finance project.

53. UNDP provided the Government with advisory as well as material support for the local elections in the districts of Bobonaro and Oecussi in December 2004. In collaboration with the United Nations Capital Development Fund, UNDP is supporting the Government's efforts in decentralization and the formation of local governance policy through a local development pilot programme in Bobonaro district, launched in January. In addition, in cooperation with the International Labour Organization, the United Nations Development Fund for Women and the United Nations Office for Project Services, UNDP has commenced an $18-million rural development programme, which includes support to agricultural activities, community development, vocational training and the empowerment of women, with special consideration to the development of border areas. Moreover, as noted in paragraph 23 above, UNDP continues to work with UNMISET in the training of professionals in the justice sector, in order to develop the capacity of the public administration. Under the Institutional Capacity Development Support Programme, UNDP currently provides 55 advisers to the State institutions; this number is expected to increase to 75 by May 2005. However, with the current level of resources, UNDP will not be able to support these posts from the latter part of 2005 onwards.

54. The World Food Programme has begun to shift the focus of its programme from short-term emergency response to medium-term emergency preparedness and recovery. The programme will contribute to the establishment of a safety net for the most vulnerable population, while continuing to support the Government's efforts to develop emergency preparedness for natural disasters.

55. The World Health Organization (WHO), the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA) have supported the development of key national health policies, such as the national reproductive health policy, the national immunization policy and the national nutrition policy. To reduce the high level of maternal deaths, UNFPA began a programme in January 2005 to train general practitioners, medical doctors and midwives in emergency obstetric care, while UNICEF developed the first maternal-child health handbook to record and monitor mothers' health as well as children's birth, growth and development. WHO is strengthening the integration of disease surveillance, prevention and control of malaria, tuberculosis and HIV/AIDS. The United Nations theme group on HIV/AIDS is helping the Government to review the progress of its national strategic plan on HIV/AIDS, and to develop a work plan for its implementation

56. UNICEF has continued to work closely with the Government in building a protective environment for children, including measures for social and legal protection. A draft children's code has been developed, and is expected to be finalized in the first half of 2005. UNICEF supports initiatives to ensure that Government officials, including social workers, police officers, judicial actors and others have the capacity and skills to properly deal with cases involving children. UNICEF has also provided technical support for the development of a national curriculum reform process for primary education. The United Nations Educational, Scientific and Cultural Organization continues its cooperation programme with the National University of Timor Lorosae for the training of lecturers and students.

57. The Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF worked together to assist children separated from their families by conflict. By the end of 2004, UNHCR had scaled down its operations for the return

of former refugees from Indonesia to Timor-Leste, maintaining only a residual capacity. UNHCR, UNICEF, the International Organization for Migration (IOM) and the related UNMISET units continue to support ongoing Government efforts to combat the trafficking of persons to, through and from Timor-Leste through an inter-agency counter-trafficking working group, which is chaired by the Ministry of Foreign Affairs and Cooperation. At the request of the Department of Migration, IOM completed a review of Timor-Leste's migration management system. IOM is also addressing the needs for water and sanitation of some 3,500 beneficiaries in three districts.

58. Meanwhile, the United Nations system has begun efforts to assume some of the responsibilities which currently rest with UNMISET. The World Bank is preparing a multi-donor planning and financial management capacity-building project that will support technical assistance and training, both abroad and locally, for the Ministry of Planning and Finance and other line ministries. The World Bank is also evaluating the Government's request for the continuation of the transition support programme for another three years, until the fiscal year 2007/08. UNDP is approaching development partners to mobilize additional resources for the capacity development programme. The forthcoming development partners conference will provide a forum to discuss the results of the review with the Government and development partners.

IV. Financial aspects

59. As indicated in my last report to the Security Council (see S/2004/888, sect. IV), the General Assembly, by its resolution 59/13 of 29 October 2004, appropriated for the financial period from 1 July 2004 to 30 June 2005 some $85.2 million for the maintenance of UNMISET and commencement of its administrative liquidation.

60. It will be my intention to seek additional resources from the General Assembly, if necessary, in response to any decision the Council may wish to take regarding the United Nations post-UNMISET presence in Timor-Leste.

61. As at 31 January 2005, unpaid assessed contributions to the special account for UNTAET/UNMISET amounted to $85.1 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,315.6 million.

V. Observations and recommendations

62. Tangible progress was achieved in establishing sustainable State institutions and in promoting democracy, transparency and accountability, and respect for human rights during the consolidation phase of UNMISET, which started in May 2004. Evidence of this progress are the successful holding of local elections in the districts of Bobonaro and Oecussi, the adoption of legislation that is essential for a democratic society based on the rule of law, and the Government's implementation of measures to resolve the veterans question and the issue of violence between martial arts groups. The capacity of key State institutions, including those in the

areas of finance and law enforcement, continued to improve as personnel acquired new skills and experience.

63. Nevertheless, significant challenges remain, and the provision of international assistance beyond the expiration of the current mandate of UNMISET on 20 May 2005 will be crucial for the long-term security, stability and sustainable development of the country, particularly in the following areas, as also recommended by the transition working groups:

- **Border management and control**. The performance of the Border Patrol Unit has improved, but it still lacks sufficient capacity to manage border affairs and to interact with the Indonesian national army on its own. Despite efforts by both sides, no final agreement on the border between Indonesia and Timor-Leste has been reached, nor have legal arrangements for the interim management of the Tactical Coordination Line been put into place.

- **Development of a professional police service**. The national police force has gained considerable experience since it assumed responsibility for internal security in May 2004, but still lacks critical skills and proficiency, particularly in the areas of investigations, forensics and logistics. Given continued reports of misconduct, the lack of professional ethics remains a concern and further training is required, particularly for the specialized units.

- **Development of critical State institutions**. While the capacity of the public administration has been greatly enhanced, some core State institutions, particularly in the justice and finance sectors, still rely on international advisers for the performance of line functions owing to a shortage of qualified personnel.

- **Observance of democratic governance and human rights**. The Government is committed to the principles of democracy, rule of law and human rights. However, there are allegations of corruption within Government institutions, as well as allegations of political interference with the work of the national police and continued reports of human rights violations by the police. The Office of the Provedor for Human Rights and Justice has yet to be established.

64. In accordance with Security Council resolution 1573 (2004), UNMISET has undertaken persistent efforts to secure continued support from bilateral and multilateral partners beyond the expiration of the Mission's mandate in May 2005, while encouraging increasing Timorese involvement in and ownership of the Mission's three programmes.

65. Some bilateral and multilateral partners have expressed interest in taking over some of the UNMISET civilian adviser positions in the public administration, as well as providing or increasing assistance to police development programmes, but no firm commitments have been received. While UNMISET continues its efforts to identify partners, it is becoming increasingly clear that the level of assistance that the Mission has been able to secure for the period following its planned closure in May would not be adequate to address the needs as identified by the transition working groups.

66. Prime Minister Alkatiri has written to me requesting continued United Nations assistance for one more year. I am aware that he has made a similar request in a

letter addressed to Heads of State and Government, including the members of the Security Council.

67. According to the findings of the transition working groups on requirements for continued international assistance to Timor-Leste, and in view of the unavailability at this time of viable alternatives to provide the assistance that Timor-Leste requires, a withdrawal of UNMISET would have a potentially negative impact on the security and stability of the country as well as the proper functioning of State institutions. At the same time, significant inroads have been made. I therefore recommend maintaining a United Nations mission with a scaled-down structure for a period of up to 12 months, until 20 May 2006, as outlined below. This period could be shortened if, within that time frame, bilateral and multilateral arrangements are identified to assume the critical responsibilities currently performed by UNMISET. Similarly, the number of personnel outlined below could be reduced during that period, as and when persons provided under such arrangements become available to take over those responsibilities.

68. The reconfigured structure of the mission would have the following components:

- **35 military liaison officers** (down from 42 at present) with 144-person back-up security support (instead of the current 310), including airborne mobility, primarily to facilitate the contacts between Timorese and Indonesian border security agencies. The officers would also contribute to capacity-building of the Border Patrol Unit and monitor security-related developments along the border. The Timorese Police Reserve Unit has become operational and is improving its capacity. Consequently, the 125-person International Response Unit will no longer be required, resulting in an overall reduction of military personnel from 477 to 179.

- **40 police trainers** (down from 157 at present), to provide further training to special units of the national police in the areas of investigation, forensics and logistics, and to help to promote professional ethics.

- **45 civilian advisers** (reduced from the current 58), to provide training and supervision as part of the capacity-building efforts in public administration. Some advisers would continue to perform line functions to support critical State institutions, particularly in the justice sector where their Timorese counterparts are undergoing legal training.

- **10 human rights officers** (down from 14 at present), to promote respect for human rights through training and monitoring, and to assist in the establishment of the Office of the Provedor for Human Rights and Justice.

- a small office supporting my Special Representative, inter alia, to coordinate the work of the mission with United Nations system partners in Timor-Leste.

69. The achievements that the people of Timor-Leste have made in building their own country in the short period since 1999 are truly remarkable. Nevertheless, the need to continue to support Timorese institution-building efforts remains critical, so as to protect the gains made until now. A premature termination of the tasks described above may jeopardize those very achievements as well as the significant investment that the international community has made in Timor-Leste since 1999. It

is therefore my hope that members of the Council will give serious consideration to my proposal for a reconfigured and scaled-down mission.

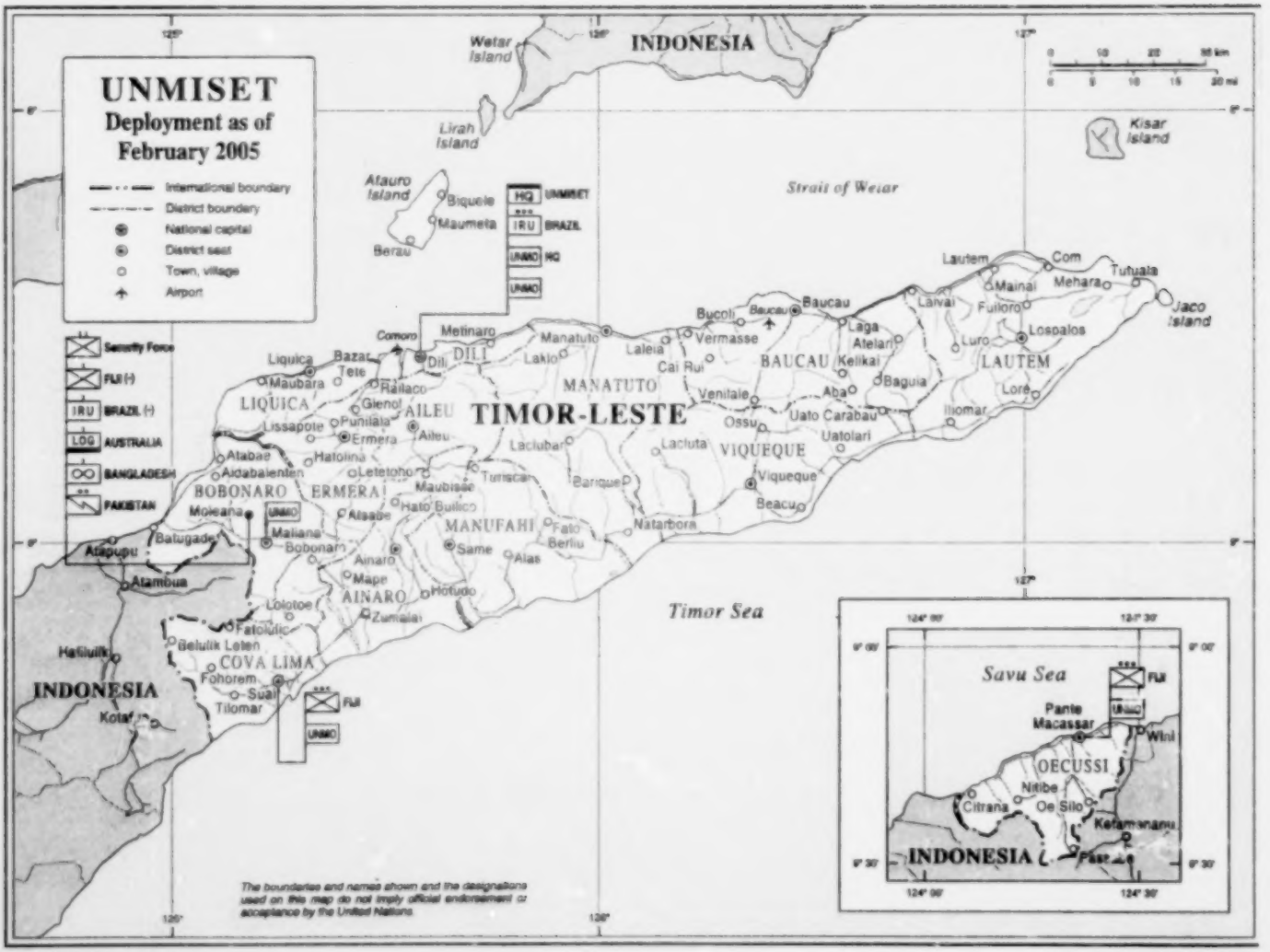
70. In conclusion, I would like to commend my Special Representative, Sukehiro Hasegawa, and the civilian, military and police components of UNMISET for their dedicated efforts in implementing the Mission's mandate. I would also like to record my deep appreciation to the people of Timor-Leste, who continue to forge ahead on their path towards peace, prosperity and development under their political leadership. Their commitment to democracy, the rule of law and human rights is a timely reminder of what a determined people can achieve with the support of the international community.

Annex

United Nations Mission of Support in East Timor: civilian police and military strength

(as at 31 January 2005)

	Civilian police	*Troops*	*Military observers*	*Total*
Argentina	-	-	-	0
Australia	17	92	3	112
Bangladesh	2	34	1	37
Bolivia	-	-	2	2
Bosnia and Herzegovina	2	-	-	2
Brazil	4	135	4	143
China	16	-	-	16
Croatia	1	-	-	1
Denmark	-	-	2	2
Fiji	-	136	-	136
Ghana	3	-	-	3
Jordan	5	-	2	7
Malaysia	14	5	6	25
Mozambique	-	-	2	2
Nepal	2	-	2	4
New Zealand	-	1	2	3
Norway	1	-	-	1
Pakistan	10	19	3	32
Philippines	13	-	4	17
Portugal	17	6	5	28
Russian Federation	1	-	2	3
Samoa	4	-	-	4
Spain	4	-	-	4
Sri Lanka	2	-	-	2
Sweden	2	-	2	4
Turkey	6	-	-	6
Ukraine	2	-	-	2
United States of America	9	-	-	9
Zambia	1	-	-	1
Zimbabwe	2	-	-	2
Total	**140**	**428**	**42**	**610**



Map No. 4899 Rev. 6 UNITED NATIONS
February 2005

Department of Peacekeeping Operations
Cartographic Section

S/2005/59

19

United Nations S/2005/100

Security Council

Distr.: General
23 February 2005

Original: English

Letter dated 18 February 2005 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

As you may recall, in May 2004 the President of the Republic of the Sudan, Omar Hassan Ahmed Albashir, established a National Commission of Inquiry on Darfur. You may also recall that the Security Council, in its Presidential statement of 25 May 2004 (S/PRST/2004/18), took note of the establishment of the Commission and further welcomed, in its resolution 1556 (2004), the commitment by the Government of the Sudan to investigate the atrocities ... etc. This Commission has published its report in January 2005.

In this regard, I regret to bring the following to your kind attention:

1. On 23 January 2005, the Mission of the Sudan, by its Arabic language letter number SN/001/2005, submitted the report of the National Commission of Inquiry (99 pages) to the President of the Security Council with the request that it be circulated to the members of the Council. To our surprise, 27 days have passed since the submission of the report and the document, as of today, 18 February 2005, has not yet been made available to the members of the Council.

2. On 8 February 2005, the Mission also submitted to the President of the Council the response of the Government of the Sudan (31 pages) to the report of the International Commission of Inquiry. Eleven days have passed, yet the document has not been officially published.

3. Meanwhile, the Secretariat of the United Nations has submitted the report of the International Commission of Inquiry (176 pages) to the Security Council on 31 January 2005. Again to our surprise, this document was published in all official languages on 9 February, that is, in only 10 days!!

As you are aware, the members of the Security Council, based on the report of the International Commission of Inquiry, are already engaged in discussions and consultations about the course of action the Council might take.

It has always been our conviction that the Security Council examines all documents officially made available to it before addressing such a serious issue. In this regard, bearing in mind that the Council is continuing its deliberations and consultations on the report of the International Commission of Inquiry, to the extent that some members have already put forward their proposals for action, my Government is gravely concerned that the documents it has submitted have not yet been published.

05-24680 (E) 230205

My Government, without questioning the intentions of the Council, finds it difficult, if not impossible, to understand the delay of 27 days in translating 99 pages and 11 days in translating 31 pages, while the Council, in its well known efficiency, has managed to have the report of the International Commission of Inquiry (176 pages) translated in all the official languages in only 10 days.

The Government of the Sudan, a Member of the United Nations directly concerned with the issue under discussion, has the legitimate right to question the unjustifiable treatment reserved for the documents it has submitted with the genuine intention of explaining its position on one hand, and providing the Council with information that could enable it to have a holistic view of the matter under its consideration on the other hand.

I would highly appreciate it if the present letter could be circulated as a document of the Security Council.

(*Signed*) Elfatih Erwa
Permanent Representative

United Nations A/ES-10/297–S/2005/101

General Assembly
Security Council

Distr.: General
23 February 2005

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Identical letters dated 22 February 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Despite the appearance of amelioration of the situation on the ground in recent weeks, it is my regret to inform you that Israel, the occupying Power, in fact continues to pursue its illegal policies and practices in the Occupied Palestinian Territory, including East Jerusalem. Just two days ago, on 20 February 2005, the Israeli Government approved the final route of the Wall it has been constructing in the Occupied Palestinian Territory since June 2002, in grave violation of international law, including international humanitarian law and human rights law, and in flagrant disrespect for the 9 July 2004 Advisory Opinion of the International Court of Justice and the will of the international community, as expressed in General Assembly resolution ES-10/15 of 20 July 2004.

If completed, the new route of the Wall will result in the de facto annexation of at least 7 per cent of the total area of the West Bank, not including the area of Occupied East Jerusalem. It is blatantly clear from the current and proposed route of the Wall that the aim of the occupying Power is to entrench its illegal seizure of large areas of land, confiscated for the building of settlement blocks, with the ultimate aim of illegally incorporating these areas.

This Wall is severing and isolating cities, towns and villages in the West Bank, imprisoning thousands of civilians in walled enclaves, and is causing the complete encirclement of East Jerusalem, isolating it from the rest of the West Bank. The freedom of movement of the Palestinian civilian population is thus being gravely infringed by the Wall and its associated regime, including the apartheid-like permit system, which is separating people from their homes, lands, jobs and schools. The consequent impact on the socio-economic conditions of the Palestinian people has been dire, deepening the humanitarian hardships being faced. Moreover, the continued construction of this Wall is seriously undermining the prospects for

05-24611 (E) 230205

achieving the two-State solution, as it is making the establishment of an independent, viable and territorially contiguous Palestinian State physically impossible to achieve.

The Palestinian leadership strongly condemns the Israeli decision to continue its unlawful construction of the Wall. This recent decision by the Israeli Government has extremely dangerous strategic dimensions and reveals the very basic policy goal of this Government, which is based on exploiting the withdrawal from Gaza as a cover for its continued confiscation of land in the West Bank for the purpose of furthering its colonial and expansionist goals, including in particular in and around East Jerusalem. Such ongoing policies and practices are in total contradiction to the road map and endanger the prospects for a meaningful revival of the peace process aimed at the implementation of the road map and the achievement of the two-State solution to the Israeli-Palestinian conflict.

The international community must continue to be seized of this critical matter and must take measures to compel Israel, the occupying Power, to cease carrying out such measures in the Occupied Palestinian Territory, including East Jerusalem, which constitute breaches of international law and are a grave detriment to the serious efforts being exerted to revive the fragile peace process. The Security Council in particular has the duty to address this issue and to take the necessary measures to ensure that Israel upholds its responsibilities and legal obligations and that Member States also uphold their legal obligations in this regard, as mentioned in the Advisory Opinion of the International Court of Justice and as overwhelmingly called for by the General Assembly in resolution ES-10/15 and numerous other resolutions.

In addition to these serious provocations and violations, the Israeli occupying forces continue to kill and wound Palestinian civilians. The occupying Power has repeatedly violated the fragile ceasefire that has been reached as it has continued to carry out assassinations, to use excessive force and to detain and arrest Palestinians. This has included the killing of several children, including Noran Eyad Deeb, aged 10, who was shot and killed by the occupying forces as she stood in the yard of an UNRWA school in Rafah on 31 January 2005, and Ala'a Hani Mohammed Abdelrahman Khalil, aged 15, who was killed in Beitunya on 15 February. In addition, the occupying forces, on 16 February, carried out the targeted killing of Issam Hamza Ali Mansour and Mahdi Satti Yousef Alqani near Nablus.

This letter is in follow-up to our previous 213 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 26 January 2005 (A/ES-10/296-S/2005/46), constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, I regret to inform you that, since our last letter to you, at least 20 more Palestinians, including 8 children, have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,641. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires a.i.

Annex to the identical letters dated 22 February 2005 from the Charge d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Thursday, 27 January to Sunday, 20 February 2005)

Thursday, 27 January 2005

1. Sayed Abdelmoati Zaker
2. Marwan Ghaleb Olwi (13 years old)
3. Rasem Suleiman Salamah Ghouneimat

Saturday, 29 January 2005

1. Ibrahim Suleiman Al-Shawaf
2. Ahmed Moussa Awida Abu Mostafa (17 years old) (died from wounds sustained on 30 December 2004)

Sunday, 30 January 2005

Abed Odeh Abujarboo

Monday, 31 January 2005

Noran Eyad Deeb (10 years old)

Tuesday, 1 February 2005

1. Mohammed Kamel Mohammed Ghaben (18 years old) (died from wounds sustained on 4 January 2005)
2. Nabil Ali Ahmed Al-Aidi

Saturday, 5 February 2005

1. Kinda Baha'a Omar Al Sharbani (1 year old)
2. Mohammed Shehda Al Bahri
3. Imad Joumah Abu Shalouf (18 years old)

Tuesday, 8 February 2005

Hisham Ali Habash

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,641.

Thursday, 10 February 2005

1. Ibrahim Fathi Abu Jazar
2. Saed Sadek Afana

Monday, 14 February 2005

Sabri Fayez Younes Al Rajoub (17 years old)

Tuesday, 15 February 2005

Ala'a Hani Mohamed Abdelrahman Dar Khalil (15 years old)

Wednesday, 16 February 2005

1. Issam Hamza Ali Mansour
2. Mahdi Satti Yousef Al Qani

Sunday, 20 February 2005

Jaafar Mohammed Eid Hatem Abboud

United Nations A/59/709–S/2005/102

General Assembly
Security Council

Distr.: General
23 February 2005

Original: English

General Assembly
Fifty-ninth session
Agenda items 52, 53 and 54

Revitalization of the work of the General Assembly

Question of equitable representation on and increase in the membership of the Security Council and related matters

Strengthening of the United Nations system

Security Council
Sixtieth year

Letter dated 22 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

It is my pleasure to submit to you herewith the ideas that Colonel Muammar Al-Qaddafi, Leader of Great Al-Fatih Revolution, has put forward concerning the issue of the reform of the United Nations (see annex), and furthermore to request that the present letter and its annex be circulated as a document of the General Assembly and the Security Council.

(*Signed*) Ahmed A. **Own**
Chargé d'affaires a.i.

05-24738 (E) 240205 250205

Annex to the letter dated 22 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya addressed to the Secretary-General

[Original: Arabic]

Proposal by Colonel Muammar Qaddafi, Leader of the Great Al-Fatih Revolution, concerning the reform of the United Nations

There is much debate these days on a global level about reform and democracy, both cherished ideals, rejected only by dictators or reactionaries. Dictators reject democracy, and reactionaries reject reform. However, these ideals become unacceptable to all if they are raised for propaganda purposes, or applied selectively, in other words, when used as a pretext to achieve aims other than reform or democracy.

Indeed if we are genuinely serious about reform and democracy on a global level, we must begin with the reform of the world's highest organization, and establish democracy within it. This supreme organization is the United Nations, and its General Assembly is the world's parliament. Unless we reform this parliament and democratize it, any request to reform or democratize any national parliament, or national government, anywhere in the world, will not be heeded. The question is: How do we reform the United Nations General Assembly (the World Parliament), and render it democratic? The answer is quite obvious. It simply lies in granting this organ the same powers as those of any congress (parliament) in any traditional democratic country; namely to make this organ a legislative body, the Security Council an executive body, and the International Court of Justice the judicial authority.

In fact, a radical and serious approach to reform would require the transfer of the powers of the Security Council to the General Assembly, so that the resolutions of the latter become binding, rather than those of the Security Council. This is because the General Assembly is a global sanctuary and forum, as all Member States, large and small, are represented equally in the General Assembly, unlike the case of the Security Council in its present form. However, without reforms, they are devoid of any real authority. What use, therefore, is this "equality"? In fact, what is the value of the General Assembly itself, if it is merely a "decorative" organ? What is the difference between the United Nations General Assembly and Hyde Park in London, if the General Assembly is merely a forum for oratory, resembling the pre-Islamic forum held in Mecca, known as Suq Ukath (the Market of Ukath), in which Arab poets gathered to recite their poems of praise or defamation?

The Security Council must therefore be turned into an executive tool for the implementation of the resolutions adopted by the General Assembly. Unless this is realized, the General Assembly should be abolished, and all the costs and expenses incurred by the host country and the Member States should be saved. The Security Council would be retained in a sufficiently expanded form. Its new powers and new membership should be reviewed, and the decisions made by the International Court of Justice must be respected. Those who oppose this radical approach to reform of the United Nations would lack any credibility when they criticize a country whose parliament has no genuine legislative powers, or claim that a certain Government

does not implement the decisions of its parliament or the rulings of its courts. If those who criticize other States and demand that they launch reforms and embark on democratization refuse to accept, in making such demands, that the General Assembly become a genuine legislative body, with the Security Council serving as its executive tool, and refuse to respect the decisions of international judicial organs, their criticism of non-democratic States will be devoid of any validity and will have no logical basis.

The General Assembly, which in reality constitutes the totality of the countries united for the sake of peace, has lost its significance. It is, in fact, much marginalized in the Charter and treated like a minor, in need of patronage. Most articles of the Charter, in fact, seem to attach little importance to the role of the Member States represented in the General Assembly, as it cannot really enforce anything unless approved, authorized or recommended by the Security Council. It is well known that the Security Council is dictatorial in nature, whereas the General Assembly is democratic. The Security Council is a minority body resembling a dictatorial military council — a council for emergencies — and it really cannot have any pretence to democracy or equality.

It can be concluded, therefore, in the light of the above, that the world actually embodies, in its supreme organization, the United Nations, a most flagrant form of dictatorship. It makes little sense to talk about democracy and reform on any level unless we recognize this truth in our highest organization.

Moreover, there is a dilemma posed by granting new States permanent membership in the Security Council at a time when these States are becoming part of new unions. These unions are evolving year after year into single political entities resembling a single State, or actually turning into a single State. For example, the European Union is evolving gradually into a single State, or a union of States, but will have more than one seat on the Security Council. Similarly, a State member of the African Union may acquire a permanent seat, but at the same time it is part of a union evolving into a single political entity. Thus, would the seat be for the whole Union or for that country only, which will eventually be dissolved in the Union, or will the seat alternate among the members of the Union? However, if, for example, more than one African State were to obtain a permanent seat, the same dilemma as that faced with the EU would arise, namely, having several seats for the same political entity.

All world leaders, intellectuals, theoreticians and academics are called upon to study this proposal carefully before becoming entangled in hasty decisions, prompted by the desire to be courteous and conciliatory, oblivious to future horizons and long-term prospects, and to the negative repercussions that such decisions might entail.

United Nations S/2005/103

Security Council

Distr.: General
23 February 2005

Original: English

Letter dated 23 February 2005 from the Permanent Representative of Timor-Leste to the United Nations addressed to the Secretary-General

I have the honour, on instruction from my Government, to submit to you a copy of a letter signed by Mari Bin Amude Alkatiri, Prime Minister of the Democratic Republic of Timor-Leste, requesting the extension of the mandate of the United Nations Mission of Support in East Timor (see annex). I would highly appreciate it if this letter could be circulated as a document of the Security Council.

(*Signed*) José Luis **Guterres**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

05-24764 (E) 240205

Annex to the letter dated 23 February 2005 from the Permanent Representative of Timor-Leste to the United Nations addressed to the Secretary-General

20 January 2005

Timor-Leste has benefited greatly from the support of the United Nations, most particularly through the United Nations peacekeeping operations, UNTAET (United Nations Transitional Administration in East Timor) and UNMISET (United Nations Mission of Support in East Timor). Together, we have traversed a long distance since the popular consultations organized in 1999 and Timor-Leste is now securely anchored on the path towards democracy, peace and development. We would like to take this opportunity to particularly mark our deepest appreciation for the assistance received from the United Nations and for the excellent and dedicated work conducted by dedicated peacekeepers, civilian, police and military, in Timor-Leste.

The completion of the mandate of UNMISET on 20 May 2005 would mark a historic step in our journey towards self-reliance and self-sufficiency. However, we do strongly feel that additional assistance for a further year would be required in the following areas.

First, the continued presence of around 41 military liaison officers stationed along our yet to be demarcated land border with Indonesia to facilitate the contacts between the security agencies of Timor-Leste and Indonesia and also to contribute to capacity-building of the Timorese police force, particularly its Border Patrol Unit, which will eventually have the task of managing the border between Indonesia and Timor-Leste. The presence of United Nations military liaison officers would be necessary to strengthen the capacities of the Border Patrol Unit to ultimately take on the required tasks. We understand that in the light of the security challenges that face our globalizing world a small detachment of military officers may also be required to guarantee the security of the military liaison officers, as Timor-Leste cannot be expected at the current stage of our development to guarantee the security of international civilian or military personnel.

Secondly, around 58 civilian trainers, particularly in the fields of justice and finance, to ensure that our nascent and developing institutions can arrive at the critical threshold of self-sufficiency and sustainability and to ensure that the peace so diligently won and maintained with the assistance of the successive United Nations operations is not jeopardized by any perception in the Timorese society of a lack of transparency or absence of the rule of law. There is a particular need to strengthen technically the National Parliament, the Office of the President and the office of the Prime Minister.

Thirdly, around 62 police trainers, largely to complement and supplement the continuing mid-term bilateral police training programmes. The deployment of those police trainers would contribute significantly to the eventual emergency of the national police as a responsive, efficient, effective and accountable police force, governed by and committed to the highest standards of policing in a democratic country, and devoted to the promotion and protection of all human rights of all citizens and residents of Timor-Leste.

Finally, we think that a coordinated and coherent structure for the provision of this assistance that also includes the possibility of human rights and other advisers would be preferable as it would enable the Timorese institutions of sovereignty to have a single focal point of contact in times of need. The leadership of such a structure would also enable us to benefit from the best advice that the international community can offer to us.

We have the fullest faith that your recommendations to the Security Council would be critical in devising the appropriate mechanism through which the requirements outlined by us could possibly be met. We look forward to continuing discussions with you and your Special Representative, Sukehiro Hasegawa, in this direction.

We are also sending similar letters to the leaders of the countries that are members of the Security Council and we would be grateful if this letter could be circulated as a document of the Security Council.

(*Signed*) Mari Bin Amude **Alkatiri**
Prime Minister
Government of the Democratic Republic of Timor-Leste

United Nations S/2005/104

Security Council

Distr.: General
24 February 2005

Original: English

Letter dated 17 February 2005 from the Secretary-General addressed to the President of the Security Council

Further to my letter of 11 January 2005 (S/2005/96) to the President of the Security Council concerning a Commission of Experts to review prosecution of serious crimes committed in East Timor in 1999, I would like to inform you that I have decided to appoint the following three experts to the Commission:

Prafullachandra Bhagwati (India)
Yozo Yokota (Japan)
Shaista Shameem (Fiji)

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-24811 (E) 250205

United Nations A/59/711–S/2005/105

General Assembly
Security Council

Distr.: General
24 February 2005

Original: English

General Assembly
Fifty-ninth session
Agenda item 36
The situation in the Middle East

Security Council
Sixtieth year

Letter dated 22 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a summary of Israeli violations and acts of aggression against Lebanon from 9 January to 17 February 2005, inclusive (see annex).

These grave violations are part of a series of persistent and provocative Israeli air, sea and land violations of Lebanese sovereignty, and intervene against international law, the resolutions of international legitimacy, and the repeated calls of the United Nations for their cessation.

In view of the escalation of Israeli threats against Lebanon, my Government relies upon the United Nations to deter and prevent Israel from indulging in such acts and holds Israel fully responsible for any consequences, since these acts constitute a threat to international peace and security.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires a.i.

05-24835 (E) 010305

Annex to the letter dated 22 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

9 January 2005

At 1150 hours, Israeli occupation forces positioned in Rweiset Alalam, Tallet, Al-abed and Tallet Rayak fired several artillery shells towards Kfarchouba, Kfarkila, Houla and Chanouh farm, resulting in the injury of a Lebanese citizen and damage to the school in Kfarkila and many houses in Houla.

10 January 2005

At 1809 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired a flare shell on the open sea.

11 January 2005

At 2119 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired two flare shells on the open sea.

12 January 2005

At 1809 hours, Israeli occupation forces, positioned in Ramta inside Chebaa farms, fired three 120-mm mortar rounds, which struck the surroundings of Birket Elnaqar inside the farms; and at 2024 hours fired two 120-mm mortar rounds, which struck the same position.

At 1809 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea.

13 January 2005

Between 0650 and 0715 hours, Israeli occupation forces, positioned in Ramta inside Chebaa farms, fired three 120-mm mortar rounds, which struck the surroundings of Birket Elnaqar inside the farms; and between 1800 and 1840 hours fired several rounds of 155-mm artillery.

Between 0754 and 1355 hours and at 1735 hours, an Israeli gunboat off Ras-Naqoura fired several bursts of medium machine-gun fire on Lebanese territorial waters.

14 January 2005

Between 0710 and 0845 hours, Israeli occupation forces positioned inside Chebaa farms fired seven 155-mm artillery rounds, which struck the surroundings of Birket El Naqar inside the farms; and between 1940 and 2010 hours fired 10 155-mm artillery rounds from its position in Zebdine inside the farms at the same location.

15 January 2005

At 0629 hours, Israeli occupation forces positioned in Zebdine inside Chebaa farms fired three 155-mm artillery rounds, which hit the surroundings of Birket El

Naqar inside the farms; and between 1845 and 1900 hours fired several 155-mm artillery rounds from the same position at the same location.

16 January 2005

At 0655 hours, Israeli occupation forces positioned inside Chebaa farms fired several 155-mm artillery rounds, which hit the surroundings of Birket El Naqar inside the farms.

17 January 2005

Between 1000 and 1105 hours, Israeli occupation forces positioned inside Chebaa farms fired several 155-mm artillery rounds, which hit the outskirts of Kfarchouba-Halta and Bastra farm, and fired several 155-mm artillery rounds which hit the surroundings of Birket El Naqar; and between 1210 and 1230 hours fired from its position in Ramta (inside the farms) several tank rounds, which struck inside the farms.

At 1429 hours, Israeli occupation forces fired several 155-mm artillery rounds, which hit the outskirts of Kfarchouba-Halta and Bastra farm; between 1735 and 1840 hours fired several 155-mm artillery rounds which hit the outskirts of Chanouh and Birket El Naqar; and at 1930 hours fired two 155-mm artillery rounds which hit the surroundings of Birket El Naqar inside the farms.

18 January 2005

Between 1115 and 1200 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, headed east, and circled over Saida and Saadiyate.

20 January 2005

At 2149 hours, Israeli occupation forces positioned in Samaqa inside Chebaa farms fired several bursts of light and medium machine-gun fire at the surroundings of this position.

24 January 2005

At 2010 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired a flare shell on the open sea.

Between 2210 and 0010 hours (25 January) and Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, headed to Beirut, and circled over Damour and Tyre.

25 January 2005

Between 1045 and 1325 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, and circled over Tyre, Nabatieh and Saida, and then over Khalde and Tyre.

Between 1815 and 1915 hours, two Israeli helicopters violated Lebanese airspace at a medium altitude over Chebaa farms.

Between 1755 and 1930 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired two flare shells and several bursts of medium machine-gun fire; and at 2029 hours fired a flare shell and several bursts of medium machine-gun fire on the open sea.

26 January 2005

Between 0720 and 1000 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, and circled over Saida, Tyre and Nabatieh.

Between 1100 and 1200 hours, four Israeli warplanes violated Lebanese airspace at different altitudes, entered from above Chebaa farms and headed north. Two warplanes circled over southern Lebanon, and two warplanes circled over Chekka and Beirut.

Between 1108 and 1355 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above Rmaiche, and circled over Rmaiche, Maarake and Qana.

Between 1600 and 1805 hours, Israeli occupation forces positioned in Fachkol inside Chebaa farms fired several bursts of light and medium machine-gun fire in different directions.

At 1830 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea.

27 January 2005

Between 1410 and 1625 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above Rmaiche, headed north, and circled over Saida and Tyre.

Between 2100 and 2354 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, headed east, and circled over Beirut and Khalde.

Between 2255 and 0025 hours (28 January), an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Saida, headed east, and circled over Saida.

Between 1910 and 1915 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired a flare shell and several bursts of medium machine-gun fire on the open sea.

28 January 2005

Between 1635 and 1645 hours, Israeli occupation forces positioned in Fachkol inside Chebaa farms fired several 155-mm artillery rounds, which struck Chanouh farm inside Lebanese territory.

30 January 2005

At 1429 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea, and at 1954 hours also fired several bursts of medium machine-gun fire on the open sea.

Between 1630 and 1715 hours, Israeli occupation forces, positioned in Zebdine inside Chebaa farms, fired several 120-mm mortar and 155-mm artillery rounds, which struck the surroundings of Chanouh farm inside Lebanese territory and the surroundings of Birket El Naqar inside the farms.

Between 1810 and 1830 hours, Israeli occupation forces positioned in Zebdine inside Chebaa farms, fired several 120-mm mortar and 155-mm artillery rounds, which struck the surroundings of Chanouh farm inside Lebanese territory and the surroundings of Birket El Naqar inside the farms.

Between 1810 and 1830 hours, Israeli helicopters violated Lebanese airspace at a medium altitude over Chebaa farms.

Between 1930 and 2220 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, headed north, and circled over Beirut and Saida.

Between 2020 and 2250 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, and circled over southern Lebanon.

10 February 2005

Between 0727 and 0805 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Beirut, and circled over Jounieh and Damour.

13 February 2005

Between 1100 and 1345 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Saida, headed east, circled over Damour, and then returned back south to Tyre.

Between 2115 and 2315 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, headed to Beirut, and circled over Beirut and Saida.

14 February 2005

Between 1705 and 2000 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, headed to Beirut, and circled over Damour and Tyre.

Between 2100 and 2203 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, circled over Tyre and Saida, then headed north to Jounieh, and circled over Chekka and Beirut.

Between 2105 and 2335 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, circled over Tyre and Saida, then headed north to Jounieh, and circled over Chekka and Beirut.

15 February 2005

Between 0530 and 0800 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, and circled over Tyre and Damour.

Between 1115 and 1415 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, headed east, and circled over Tyre, Nabatieh and Khalde.

17 February 2005

Between 0026 and 0102 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, and headed north.

Between 0525 and 0755 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, headed to Khalde, and circled over Saida and Khalde.

Between 0940 and 1200 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea off Tyre, and circled over Saida, Tyre and Khalde.

United Nations A/59/712–S/2005/106

General Assembly
Security Council

Distr.: General
24 February 2005
English
Original: Arabic

General Assembly
Fifty-ninth session
Agenda item 36
The situation in the Middle East

Security Council
Sixtieth year

Letter dated 23 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a comprehensive statistical table showing the number of Israeli violations between May 2000 and January 2005.

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese airspace and territory which are incompatible with the principles of international law, the resolutions of international legitimacy and your repeated calls for their cessation.

In view of these violations and the escalation of Israeli threats against Lebanon, its territorial integrity and people, Lebanon requests the United Nations to deter and prevent Israel from indulging in such grave acts which are a threat to international security and peace. Lebanon holds Israel fully responsible for any consequences to which those acts may give rise.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 36, and of the Security Council.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires a.i.

05-24823 (E) 280205 280205

Annex to the letter dated 23 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

Comprehensive statistical table showing the number of Israel violations between May 2000 and January 2005

	Air violations				*Sea violations*	*Land violations*			
						Military acts of aggression	*Field violations*	*Breaches*	
Year	*Military jet*	*Reconnaissance*	*Helicopter*	*Total*	*Crossing of territorial waters, shooting of signal and illumination flares*	*Air-raids, shelling of military positions and important centres*	*Artillery fire, gunfire, infiltration, setting up of installations inside Lebanese territory*	*Threats and display of weapons, bulldozing of soil, placing of barbed wire inside Lebanese territory*	***Total violations***
2000	87	34	28	149	11	24	21	12	**217**
2001	346	68	45	459	39	10	19	22	**549**
2002	212	128	38	378	49	19	30	16	**492**
2003	237	210	87	534	157	21	85	47	**844**
2004	195	236	98	529	288	22	154	58	**1 051**
2005 to date	16	67	6	49	17	7	21	5	**99**
Total	**1 093**	**703**	**302**	**2 098**	**561**	**103**	**330**	**160**	**3 252**